

19881011

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF

TUESDAY, OCTOBER 11, 1988

AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:23 a.m. The meeting was recessed by Mayor O'Connor at 11:51 a.m., to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:03 p.m. with Council Members McColl, Pratt, McCarty and Filner not present. Mayor O'Connor adjourned the meeting at 3:10 p.m. to convene the Joint Council/Redevelopment Agency Meeting.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
  - (1) Council Member Wolfsheimer-present
  - (2) Council Member Roberts-present
  - (3) Council Member McColl-excused by R-272323  
(vacation)
  - (4) Council Member Pratt-present
  - (5) Council Member Struiksma-present
  - (6) Council Member Henderson-present
  - (7) Council Member McCarty-present
  - (8) Council Member Filner-present
- Clerk-Abdelnour (rb,tm)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member McColl-not present
- (4) Council Member Pratt-present
- (5) Council Member Struiksma-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-56: (O-89-61 Rev. 3) REINTRODUCED AS AMENDED, TO

BE ADOPTED ON OCTOBER 25,  
1988

Adoption of an Interim Ordinance limiting the issuance of building permits and commencement of construction within a portion of the Linda Vista Community Plan Area until amendments to the Linda Vista Community Plan are adopted and implementing ordinances are in effect.

(Linda Vista Community Area. Districts-5 and 6.

Introduced as amended on 9/20/88. Council voted 6-0.

Districts 1, 4 and 8 not present.)

FILE LOCATION: LAND - LINDA VISTA COMMUNITY PLAN

COUNCIL ACTION: (Tape location: A018-028; B614-C026.)

MOTION BY HENDERSON TO AMEND AND REINTRODUCE AS AMENDED. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksmay-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-111: (R-89-607) ADOPTED AS RESOLUTION R-272092

Vacating 43rd Street south of "K" Street, under the procedure for the summary vacation of streets where the portion of street to be vacated consists of a portion of a street or highway that lies within property under one ownership and that does not continue through such ownership or end touching property of another; reserving and excepting from the foregoing vacation the right, easement, and privilege of placing, constructing, repairing, replacing, maintaining, using, and operating public water facilities; declaring that the water easement reserved herein is in, under, over, upon, along and across a portion of 43rd Street, vacated.

(Southeast San Diego Community Area. District-4.)

CITY MANAGER SUPPORTING INFORMATION: The Greenwood Memorial Park, as abutting property owner, has requested the vacation of 43rd Street south of "K" Street in order to eliminate disruptive public traffic circulation through the cemetery grounds. The area to be vacated deadends at the entrance to the cemetery and only abuts property under the cemetery's ownership. During operating hours, a number of vehicles access the private roadways from 43rd Street for a shortcut to and from Imperial Avenue against the objections of the property owners. The vacation, comprising approximately 9,300 square feet, is located in an R-3000 Zone within the Mountain View area of the Southeast

San Diego Community Plan. Development for residential use is not anticipated, due to the nature of the existing land use. The Planning Department has no objection to the proposed vacation, and the Planning Commission recommended approval on January 22, 1987, by a 6-0 vote. The area of vacation is improved with full-width pavement with curb and sidewalk along the easterly side and contains a water main, for which an easement is being reserved. The right-of-way is not needed for traffic circulation, as it only provides access to the adjacent property. Curb, sidewalk, and a wrought-iron fence are to be constructed across the vacation area at "K" Street. Staff review has indicated that the right-of-way to be vacated is no longer required for present or prospective public use and may be summarily vacated.

FILE LOCATION: STRT J-2697; DEED F-4646 DEED FY89-1

COUNCIL ACTION: (Tape location: A029-039; A074-105.)

MOTION BY PRATT TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-151: TRAILED AS UNFINISHED BUSINESS TO  
OCTOBER 24,1988, DUE TO LACK OF FIVE  
AFFIRMATIVE VOTES

(Continued from the meeting of September 19, 1988, Item 150, at Council Member Henderson's request, for further review.)

In the matter of providing tenant identification logo signs on the outer side of the scoreboard at San Diego Jack Murphy Stadium .

(See City Manager Report CMR-88-287. Mission Valley Community Area. District-5. )

COMMITTEE ACTION: Reviewed by TLU on 8/8/88. Recommendation to approve the sign (motion was defeated) and refer to the City Council with a report from the City Attorney regarding City Agency exemptions of the City Code. Districts 5 and 8 voted yea. Districts 1, 2 and 4 voted nay.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: A040-073.)

Motion by Roberts to deny the request. Second by Wolfsheimer. No vote taken.

Motion by McCarty to approve the Manager's and the Stadium Authority's recommendation. Second by Henderson. Failed by the following vote: Wolfsheimer-nay, Roberts-nay, McColl-not

present, Pratt-nay, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-nay.

ITEM-211:

Four actions relative to Conditional Use Permit Ordinance/Local Coastal Program:

Subitem-A: (O-89-26) INTRODUCED AND ADOPTED AS ORDINANCE O-17162 (New Series)

Introduction and adoption of an Emergency Ordinance repealing Ordinance O-17080 (New Series) adopted April 18, 1988, regarding Chapter X, Article 1, Division 5, of the San Diego Municipal Code, relating to Conditional Use Permits.

NOTE: Six votes required.

Subitem-B: (O-89-27) INTRODUCED, TO BE ADOPTED ON OCTOBER 24, 1988

Introduction of an Ordinance amending Chapter X, Article 1, Division 5, of the San Diego Municipal Code by amending Section 101.0510, relating to Conditional Use Permits.

Subitem-C: (O-89-77) INTRODUCED AND ADOPTED AS ORDINANCE O-17164 (New Series)

Introduction and adoption of an Emergency Ordinance amending Chapter X, Article 1, Division 5, of the San Diego Municipal Code by amending Section 101.0510 relating to Conditional Use Permits.

NOTE: Six votes required.

Subitem-D: (R-89-363) ADOPTED AS RESOLUTION R-272093

Adoption of a Resolution authorizing the Planning Director to transmit Conditional Use Permit Ordinance O-17110 (New Series) (Reinstated) as an amendment to the City of San Diego's Local Coastal Program to the California Coastal Commission for its review and certification.

PLANNING DIRECTOR SUPPORTING INFORMATION: This is a housekeeping matter which is necessary to correct a clerical error resulting in the inadvertent deletion of the recent amendment set forth in CUP Ordinance O-17110 (Hazardous Waste Research Facilities). The deletion occurred when the recent language added by CUP Ordinance O-17110 did not appear (and was therefore interpreted as a deletion) in the draft CUP Coastal Amendments. The CUP Coastal Amendments O-17080 with the deleted

(strike-out) language was adopted by the Council on April 18, 1988. If this error is not corrected, Ordinance O-17110 will be deleted on October 17, 1988, the date the Coastal amendments become effective. Additionally, CUP Ordinance O-17110 needs to be transmitted to the Coastal Commission as an amendment to the City's LCP (this was never done). Due to the emergency nature of the ordinance, and in consideration of the fact that it was originally adopted without contingent Coastal Commission approval, it is recommended that the transmittal resolution not include the typical language making the ordinance effective upon full and effective certification by the Coastal Commission.

FILE LOCATION: SUBITEMS-A,C,D: MEET; SUBITEM-B:--

COUNCIL ACTION: (Tape location: A106-140.)

MOTION BY PRATT TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT SUBITEMS-A AND C; INTRODUCE SUBITEM-B AND ADOPT SUBITEM-D.

Second by Roberts. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-nay, Filner-yea, Mayor O'Connor-yea.

ITEM-213: (O-89-42) INTRODUCED, TO BE ADOPTED ON OCTOBER 24, 1988

(Continued from the meeting of September 27, 1988, Item 331, at the City Attorney's request, for further review.)

Introduction of an Ordinance to assign rights and obligations of Applied Energy, Incorporated, authorized under Franchise Ordinance O-10639 (New Series), to Energy Factors, Incorporated, which will assign the agreement to San Diego Central Cooling Company pursuant to the provisions of Section 15 of the franchise agreement.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A210-285.)

Hearing began at 10:32 a.m. and halted at 10:37 a.m.

MOTION BY STRUIKSMA TO INTRODUCE. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-330: (R-89-422) ADOPTED AS RESOLUTION R-272094

Acquiring 5 acres of Los Penasquitos Canyon Preserve - North No. 1 for the San Diego Open Space Park Facilities District No. 1, under Resolution of Intention R-271832,

adopted on September 12, 1988; authorizing the expenditure of an amount not to exceed \$85,000 as payment for said property and related costs from Open Space Park District Bond Fund 79104; authorizing the City Manager to accept the deed to said property without further Council action.

(District-1.)

CITY MANAGER SUPPORTING INFORMATION: Los Penasquitos Canyon Preserve is priority number 1, in Category A, on the Council's adopted open space retention list. This 5-acre parcel is a portion of the large finger canyon north of and adjacent to the Genstar tradeland property. On September 15, 1986, Council approved an acquisition plan for this land, along with funds to have it appraised for purposes of acquisition for open space. Further, on June 1, 1987, Council established priorities for the acquisition plan which identified this land as the number eight priority. Since available funds are not adequate to proceed with all of the parcels included in this priority, we are returning to Council for approval of funds in order of established priorities. Funding is now available for the acquisition of this parcel, which consists mainly of canyon bottom and slope. This request is for \$85,000 to purchase this parcel at fair market value plus funds to cover title, escrow, and other miscellaneous costs.

Aud. Cert. 8900192.

FILE LOCATION: STRT OS-23

COUNCIL ACTION: (Tape location: A293-B048.)

Hearing began at 10:47 a.m. and halted at 11:08 a.m.

Testimony in favor by Arthur Michel.

MOTION BY WOLFSHEIMER TO ADOPT ITEMS 330, 331, and 332; DIRECTING THE ENVIRONMENTAL QUALITY DIVISION TO INSPECT THE GRADING THAT IS OCCURRING ON THE SOUTH SIDE. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-331: (R-89-424) ADOPTED AS RESOLUTION R-272095

Acquiring 7.5 acres of Los Penasquitos Canyon Preserve - North No. 2 for the San Diego Open Space Park Facilities District No. 1, under Resolution of Intention R-271833, adopted on September 12, 1988; authorizing the expenditure of not to exceed \$127,000 as payment for said property and related costs from Open Space Park District Bond Fund 79104; authorizing the City Manager to accept the deed to said property without further Council action.

(District-1.)

CITY MANAGER SUPPORTING INFORMATION: Los Penasquitos Canyon Preserve is priority number 1, in Category A, on the Council's adopted open space retention list. This 7.5 acre parcel is a portion of the large finger canyon north of and adjacent to the Genstar tradeland property. On September 15, 1986, Council approved an acquisition plan for this land, along with funds to have it appraised for purposes of acquisition for open space. Further, on June 1, 1987, Council established priorities for the acquisition plan which identified this land as the number eight priority.

Since available funds are not adequate to proceed with all of the parcels included in this priority, we are returning to Council for approval of funds in order of established priorities. Funding is now available for the acquisition of this parcel, which consists mainly of canyon bottom and slope. This request is for \$127,000 to purchase this parcel at fair market value plus funds to cover title, escrow, and other miscellaneous costs.

Aud. Cert. 8900193.

FILE LOCATION: STRT OS-23

COUNCIL ACTION: (Tape location: A293-B048.)

Hearing began at 10:47 a.m. and halted at 11:08 a.m.

MOTION BY WOLFSHEIMER TO ADOPT ITEMS 330, 331, and 332; DIRECTING THE ENVIRONMENTAL QUALITY DIVISION TO INSPECT THE GRADING THAT IS OCCURRING ON THE SOUTH SIDE. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-332: (R-89-426) ADOPTED AS RESOLUTION R-272096

Acquiring 10 acres of Los Penasquitos Canyon Preserve - North No. 3 for the San Diego Open Space Park Facilities District No. 1, under Resolution of Intention R-271834, adopted on September 12, 1988; authorizing the expenditure of an amount not to exceed \$193,000 from Open Space Park District Bond Fund 79104; authorizing the City Manager to accept the deed to said property without further Council action.

(District-1.)

CITY MANAGER SUPPORTING INFORMATION: Los Penasquitos Canyon Preserve is priority number 1, in Category A, on the Council's adopted open space retention list. This 10 acre parcel is a portion of the large finger canyon north of and adjacent to the

Genstar tradeland property. On September 15, 1986, Council approved an acquisition plan for this land, along with funds to have it appraised for purposes of acquisition for open space. Further, on June 1, 1987, Council established priorities for the acquisition plan which identified this land as the number eight priority. Since available funds are not adequate to proceed with all of the parcels included in this priority, we are returning to the Council for approval of funds in order of established priorities. Funding is now available for the acquisition of this parcel, which consists mainly of canyon bottom and slope. This request is for \$193,000 to purchase this parcel at fair market value plus funds to cover title, escrow, and other miscellaneous costs.

Aud. Cert. 8900195.

FILE LOCATION: STRT OS-23

COUNCIL ACTION: (Tape location: A293-B048.)

Hearing began at 10:47 a.m. and halted at 11:08 a.m.

MOTION BY WOLFSHEIMER TO ADOPT ITEMS 330, 331, AND 332; DIRECTING THE ENVIRONMENTAL QUALITY DIVISION TO INSPECT THE GRADING THAT IS OCCURRING ON THE SOUTH SIDE. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-333: (R-89-428) CONTINUED TO OCTOBER 25, 1988,  
10:00 A.M.

Acquiring 20 acres of Los Penasquitos Canyon Preserve - North No. 4 for the San Diego Open Space Park Facilities District No. 1, under Resolution of Intention R-271835, adopted on September 12, 1988; authorizing the expenditure of not to exceed \$480,000 as payment for said property and related costs from Open Space Park District Bond Fund 79104; authorizing the City Manager to accept the deed to said property without further Council action.

(District-1.)

CITY MANAGER SUPPORTING INFORMATION: Los Penasquitos Canyon Preserve is priority number 1, in Category A, on the Council's adopted open space retention list. This 20-acre parcel is a portion of the large finger canyon north of and adjacent to the Genstar tradeland property. On September 15, 1986, Council approved an acquisition plan for this land, along with funds to have it appraised for purposes of acquisition for open space. Further, on June 1, 1987, Council established priorities for the acquisition plan which identified this land as the number eight



priority.

Since available funds are not adequate to proceed with all of the parcels included in this priority, we are returning to Council for approval of funds in order of established priorities. Funding is now available for the acquisition of this parcel, which consists mainly of canyon bottom and slope. This request is for \$480,000 to purchase this parcel at fair market value plus funds to cover title, escrow, and other miscellaneous costs.

Aud. Cert. 8900194.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A293-B048.)

Hearing began at 10:47 a.m. and halted at 11:08 a.m.

Testimony in opposition by Jerry McCawes.

MOTION BY WOLFSHEIMER TO CONTINUE THE ITEM TO OCTOBER 25, 1988, AT 10:00 A.M., TO HAVE PARTIES WORK OUT A MUTUALLY BENEFICIAL SOLUTION TO THE ACQUISITION. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksmay-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-334:

Proposal to amend the Scripps Miramar Ranch Community Plan and the Progress Guide and General Plan to reclassify Scripps Lake Drive, between Scripps Ranch Boulevard and Red Cedar Drive, from a four-lane collector street to a two-lane collector street.

Scripps Lake Drive is located south of Miramar Reservoir in the Scripps Miramar Ranch Community plan area. It runs in a generally east-west direction from Sunset Ridge Drive to Trenea Street (just east of I-15). The primary issue to be addressed at this hearing is the ability of Scripps Lake Drive, as a two-lane roadway, to carry the projected volume of 12,000 average daily trips (ADT) and the environmental impacts associated with the proposed reclassification.  
(District-5. )

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Subitem-A: (R-89-462 Rev. 1) ADOPTED AS RESOLUTION  
R-272097

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-88-0130 has been completed in compliance with the California

Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-89-461 Rev.1) ADOPTED AS AMENDED AS RESOLUTION R-272098

Adoption of Resolution denying an amendment to the community plan.

FILE LOCATION: LAND - SCRIPPS MIRAMAR RANCH COMMUNITY PLAN

COUNCIL ACTION: (Tape location: B049-600.)

Hearing began at 11:09 a.m. and halted at 11:44 a.m.

Testimony in opposition by Mike Eckman.

Testimony in favor by Erlene Schooler, Oscar Simpson, Karen Kissane, and Bob Dingeman.

MOTION BY STRUIKSMA TO ADOPT SUBITEM-A AND ADOPT SUBITEM-B AS AMENDED, TO APPROVE THE COMMUNITY PLAN AMENDMENT TO RECLASSIFY SCRIPPS LAKE DRIVE, BETWEEN SCRIPPS RANCH BOULEVARD AND RED CEDAR DRIVE, FROM A FOUR-LANE ROADWAY TO A TWO-LANE ROADWAY;

AND

DIRECTING THE PLANNING DEPARTMENT TO INCORPORATE LANGUAGE IN THE

COMMUNITY PLAN TO RESERVE THE RIGHT-OF-WAY FOR FUTURE USE.

Second by Roberts. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-335:

(Continued from the meetings of July 12, 1988, Item 345, July 26, 1988, Item 334 and September 13, 1988, Item 332; last continued at Council Member Wolfsheimer's request, for further review.)

Matter of the Historical Site Board's decision of denial of a demolition permit for 4 designated cottages located at 1241 and 1243 Coast Boulevard and 1260 and 1268 1/2 Prospect Street, Green Dragon Colony, Historical Site No. 84.

(District-1.)

Subitem-A: (R-88-2520) ADOPTED AS RESOLUTION R-272099

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-87-0188 has

been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (R-88-2519) ADOPTED AS RESOLUTION R-272100  
Adoption of a Resolution concurring in the action of the Historical Site Board in denying the issuance of a demolition permit.

FILE LOCATION: GEN'L - HISTORICAL SITE BOARD DECISION & APPEALS, ETC.

COUNCIL ACTION: (Tape location: C033-040.)

Hearing began at 11:49 a.m. and halted at 11:51 a.m.

MOTION BY WOLFSHEIMER TO UPHOLD THE HISTORICAL SITE BOARD'S DECISION AND NOT ISSUE THE PERMIT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksmay-yea, Henderson-nay, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-336: CONTINUED TO NOVEMBER 15, 1988

(Continued from the meetings of July 19, 1988, Item 331, August 9, 1988, Item 331 and September 20, 1988, Item 333; last continued at Council Member Henderson's request, for further review.)

Two actions relative to the Penasquitos East Facilities Benefit Assessment :  
(Penasquitos East Community Area. District-1. )

Subitem-A: (R-88-2122)

Designating an area of benefit in Penasquitos East and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to said Public Facilities Projects, the method for apportioning the costs of said public facilities projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of the proposed Public Facilities Project in the matter of the Penasquitos East Facilities Benefit Assessment Area.

Subitem-B: (R-88-2171)

Declaring that the assessment fee schedule contained in the Penasquitos East Public Facilities Benefit Assessment and Financing Plan is to be an appropriate and applicable fee for all properties within the Penasquitos East Community that have never been assessed under the Penasquitos East Facilities Benefit Assessment and Public Facilities Financing Plan or have otherwise agreed to the payment of Facilities Benefit Assessment fees as prescribed by the City Council; rescinding any provisions of Section 6 of Resolution R-270065 which are inconsistent and of no further force and effect.

CITY MANAGER SUPPORTING INFORMATION : On January 5, 1988 Council adopted Resolution R-270065 which established impact fees for those portions of 11 planned urbanizing communities that were not included in an existing Facilities Benefit Assessment or otherwise required to pay Public Facility Impact Fees. That Resolution established as the applicable impact fee the prevailing, Council approved Public Facilities Financing Plan. Section 6 of the Resolution deals with the Penasquitos East Community. The Resolution will delete the fees as established in the 1986 Financing Plan and establish the applicable fees as being those contained in the 1988 Financing Plan, once Council has approved the 1988 Plan.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A180-209.)

MOTION BY WOLFSHEIMER TO CONTINUE TO NOVEMBER 15, 1988, FOR FURTHER REVIEW OF THE FBA TO BRING IN LINE WITH THE DEVELOPMENT AGREEMENT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-337: (O-89-71) INTRODUCED AND ADOPTED AS ORDINANCE  
O-17163 (New Series)

Introduction and adoption of an Ordinance amending Ordinance No. O-17122 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1988-89 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document No. OO-17122-1, as amended and adopted therein, by amending the personnel authorization of the Engineering and Development Department (540), in General Fund 100, by adding one Deputy Director position and deleting one Assistant Traffic Engineer position in the

Transportation and Traffic Engineering Division (105);  
exempting said Deputy Director position from the Classified  
Service; and establishing a salary rate therefor.

CITY MANAGER SUPPORTING INFORMATION: This ordinance will add one Deputy Director to the Engineering and Development Department in lieu of one Assistant Traffic Engineer. This additional Deputy Director position will allow the department to reorganize the Transportation and Traffic Engineering Division by creating two divisions in its place: a Traffic Engineering Division and a Transportation Planning Division. The Traffic Engineering Division will be comprised of the existing Traffic Investigations, Traffic Signal and Lighting and Traffic Safety and Information sections. The Transportation Planning Division will have the existing Travel Forecasting and Transportation Development sections as well as a new Preliminary Engineering Section (which will consolidate existing staff from other divisions who are already authorized for the Engineering and Development Department). With these two divisions, the department will be better able to plan for and operate the circulation system in San Diego. The improved management that will result from having two Deputy Directors will allow the department to operate with one fewer Assistant Traffic Engineer (which will be deleted by this ordinance). This reorganization has been reviewed by Financial Management's Organizational Effectiveness Program. On August 11, 1988 the Civil Service Commission approved exempting the additional Deputy Director position from the Classified Service.

NOTE: See Item 210 on the docket of Monday, October 10, 1988, for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C029-032.)

MOTION BY WOLFSHEIMER TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT ITEM 337 AND ADOPT ITEM S501. Second by Roberts.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-338:

Appeal of James Guthrie, from the decision of the Planning Commission in denying Hillside Review/Resource Protection Overlay Zone Permit HRP/RPOZ-88-0400 to construct a two-story, single-family residence consisting of 2,876 square feet of gross floor area. The applicant is

requesting a variance to allow a minimum interior side yard setback of five feet where the underlying zone requires ten feet. The subject property, totaling 16,500 square feet, is located at 3626 Robinson Mews, on the west side of Robinson Mews between Brooks Avenue and Pennsylvania Avenue. The subject property is further described as Lots 9 and 10 of Block 11, Cleveland Heights, Map-621, in Zone R1-40000, within the Uptown Community Plan area. (HRP & RPOZ-88-0400. District-8. )

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Subitem-A: (R-89- ) FILED AS A RESULT OF THE APPEAL  
BEING DENIED

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-88-0400 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-89-802) ADOPTED AS RESOLUTION R-272106  
DENYING THE APPEAL AND DENYING THE  
PERMIT AND VARIANCE SET-BACK

Adoption of a Resolution granting or denying the appeal, and granting or denying the permit and variance set-back, with appropriate findings to support Council action.

FILE LOCATION: PERM - HRP & RPOZ-88-0400

COUNCIL ACTION: (Tape location: D193-E130.)

Hearing began at 2:22 p.m. and halted at 2:59 p.m.

Testimony in favor by Bruce Warren.

Testimony in opposition by Janice Fahe and Donald Hartley.

MOTION BY FILNER TO DENY THE APPEAL AND DENY THE PERMIT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-339: CONTINUED TO NOVEMBER 21, 1988

(Continued from the meetings of January 5, 1988, Item 339, January 19, 1988, Item 336, March 22, 1988, Item 337 and April 19, 1988, Item 337; last continued at the request of Jim Fox, to allow time for pending litigation, regarding this project, to come to a resolution.)

MESA DEL SOL Project

Rezoning the 84.5-acre site from Zone A-1-10, R1-5000, R-3000 and Hillside Review Overlay to Zones R1-5000, R-1500 and Hillside Review Overlay; and amending the Mira Mesa Community Plan to 1) Redesignate the 84.5-acre site from Commercial Recreation, Low (5-9 du/ac) and Low Medium (10-15 du/ac) density residential to Medium Low (16-29 du/ac) density residential; 2) Reclassify Black Mountain Road from a four-lane major to a six-lane primary arterial between Galvin Avenue and Los Penasquitos Canyon bridge; and 3) Reclassify Capricorn Way from a four-lane major to a four-lane collector between Westview Parkway and the western boundary of the subject property.

The subject property is located east and west of Black Mountain Road, north of Galvin Avenue, and is further described as Lots 1-297, Mesa del Sol, Tract 9407. (Case-86-0613. District-5.)

Subitem-A: (R-88-1145)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-86-0613 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (O-88-92)

Introduction of an Ordinance for R-2000 Zoning.

Subitem-C: (R-88-1128)

Adoption of a Resolution amending the Mira Mesa Community Plan affecting property east and west of Black Mountain Road and north of Galvin Avenue.

Subitem-D: (R-88- )

Adoption of a Resolution containing appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081 in connection with Environmental Impact Report EIR-86-0613.

FILE LOCATION:

Subitems A, C & D - LAND - Mira Mesa  
Community Plan

COUNCIL ACTION: (Tape location: D004-193.)

MOTION BY STRUIKSMA TO CONTINUE TO NOVEMBER 21, 1988 TO BE HEARD AS A COMPANION ITEM TO ITEM 209 OF MONDAY, OCTOBER 10, 1988 WHICH WAS CONTINUED TO THAT DATE. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-340: CONTINUED TO APRIL 11, 1989 AT 2:00 P.M.

(Continued from the meeting of September 20, 1988, Item 339, at Council Member Henderson's request, for review.)

Matters relating to the Pacific Beach Hotel project:

1. Request to subdivide a 1.944-acre site into two lots for commercial development, located on the west side of Strandway between Reed Avenue and Pacific Beach Drive. The proposal would provide for a 174-room hotel, a 6,000-square-foot nightclub/restaurant, two pedestrian-oriented commercial buildings totaling 700 square feet and a two-lot subdivision and associated street action. The subject property is further described as portions of Block 294, Pacific Beach Map-791, and portions of Pueblo Lot No. 1793 of the Pueblo Lands of San Diego, in Zone C of the Pacific Beach Community Plan area.
2. A proposal to vacate Oliver Avenue and portions of Oliver Court, Oliver Place, Reed Avenue, and Strandway, as provided for under Section 66499.20-1/2 of the State Map Act, in conjunction with the proposed tentative map for Pacific Beach Hotel (TM-87-0894).  
(PRD & TM-87-0894. District-6.)

Subitem-A: (R-89-238)

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-87-0894 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-89-235)

Adoption of a Resolution authorizing the vacation of Oliver Avenue and portions of Oliver Court, Oliver Place, Reed Avenue, and Strandway as provided for under Section 66499.20-1/2 of the State Map Act.

Subitem-C: (R-89- )



Adoption of a Resolution granting or denying the map, with appropriate findings to support Council action.

CITY MANAGER SUPPORTING INFORMATION: The proposed vacation action is in conjunction with the tentative map for Pacific Beach Hotel (TM-87-0894), which proposes a two-lot subdivision totaling 1.94 acres. The rights-of-way to be vacated are entirely within the tentative map boundaries and will accommodate and facilitate redevelopment of the project site under a Planned Commercial Development Permit (PCD-87-0894). The Subdivision Board recommended approval of the Tentative Map on June 20, 1988.

The proposed vacation and subdivision area are located in the Pacific Beach Community Plan area and situated within a Commercial Zone. The area of vacation totals approximately 25,150 square feet and is to be incorporated with the adjacent properties to create the 1.94-acre development site. Under the PCD, a 174-room hotel is being proposed with a restaurant, night-club and other retail uses. The proposed development is consistent with the General Plan, which designates the development site for visitor/commercial use.

The rights-of-way proposed for vacation are mostly paved and contain public and franchise facilities with the exception of Oliver Avenue west of Oliver Court, which is unimproved. The improved rights-of-way provide local traffic circulation between Reed Avenue and Pacific Beach Drive and access to adjacent parcels within the development. However, upon the approval of the final map, the rights-of-way will no longer be required for access. Local circulation will likewise not be affected since Strandway is to be extended, widened, and improved to alley standards, which will function adequately in place of the vacated rights-of-way.

Staff review has indicated that the rights-of-way to be vacated will no longer be needed for present or prospective public use and may be vacated under the provision of the Map Act, subject to the recordation of Pacific Beach Hotel (TM-87-0894).

FILE LOCATION:

Subitems A&C - SUBD - Pacific Beach Hotel

Subitem B - DEED F-4611 STRT J-2692  
DEEDFY89-1

COUNCIL ACTION: (Tape location: D004-193.)

MOTION BY HENDERSON TO CONTINUE FOR SIX MONTHS TO ALLOW TIME FOR THE PLANNING GROUP TO MEET WITH THE DEVELOPERS. Second by

Struiksmas. Passed by the following vote: Wolfsheimer-nay, Roberts-nay, McColl-not present, Pratt-nay, Struiksmas-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-341:

Matters of the following accelerated variance requests from the Interim Development Ordinance (IDO):

- a) A variance request from the Interim Development Ordinance (IDO) for a 2-unit project (single family homes). The subject property is located to the north of 5350 Soledad Mountain Road and is described as Parcels 2 and 3 of Parcel Map PM-9066. The R1-8000 zoned site is within the Pacific Beach Community Plan area.  
(Case-88-6070. (Accelerated). District-6.)
- b) A variance request from the Interim Development Ordinance (IDO) for a 1-unit project (single family dwelling on an existing vacant lot). The subject property is located at 5315 Adams Avenue and is described as Assessor's Parcel No. 466-542-16. The R1-5000 zoned site is within the State University Community Plan area.  
(Case-88-6085. (Accelerated). District-7.)
- c) A variance request from the Interim Development Ordinance (IDO) for a 1-unit project. The subject property is located at 1648 Los Altos Road and is described as Assessor's Parcel No. 415-090-36. The R1-20000 zoned site is within the Pacific Beach Community Plan area.  
(Case-88-6039. (Accelerated.) District-6.)

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Subitem-A: (R-89-907) ADOPTED AS RESOLUTION R-272107  
Adoption of a Resolution granting or denying the variance request for Case-88-6070 with appropriate findings to support Council action.

Subitem-B: (R-89-908) ADOPTED AS RESOLUTION R-272108  
Adoption of a Resolution granting or denying the variance request for Case-88-6085 with appropriate findings to support Council action.

Subitem-C: (R-89-909) ADOPTED AS RESOLUTION R-272109  
Adoption of a Resolution granting or denying the variance request for Case-88-6039 with appropriate findings to support Council action.

FILE LOCATION:

Subitem A - ZONE - IDO Variance Case-88-6070

Subitem B - ZONE - IDO Variance Case-88-6085

Subitem C - ZONE - IDO Variance Case-88-6039

COUNCIL ACTION: (Tape location: E130-286.)

Hearing began at 2:59 p.m. and halted at 3:10 p.m.

MOTION BY HENDERSON TO GRANT THE VARIANCE FOR SUBITEM-A. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksmas-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY McCARTY TO GRANT THE VARIANCE FOR SUBITEM-B. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksmas-not present, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

MOTION BY HENDERSON TO GRANT THE VARIANCE FOR SUBITEM-C. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, McColl-not present, Pratt-yea, Struiksmas-not present, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S409: (R-89-711) RECONSIDERED ACTION TAKEN ON  
OCTOBER 10, 1988

Accepting a donation by the R. P. Foundation of approximately \$5,000 to cover the services and purchases of Eloise DeLong Ltd./Walter Broderick Interiors in the refurbishing of the Mayor's office, reception, conference, kitchen and administrative spaces on the eleventh floor of the City Administration Building.

(See letter from R.P. Foundation, Inc.)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A141-173.)

MOTION BY HENDERSON TO RECONSIDER AND RENOTICE FOR THE DOCKET OF OCTOBER 24, 1988, AS REQUESTED BY MAYOR O'CONNOR, FOR AN EXPLANATION OF THE DONOR AND THE AMOUNT OF DONATION. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksmas-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S411: (R-89-658) ADOPTED AS RESOLUTION R-272101

Authorizing an increase in the allocation of funds

available for payment of legal fees and costs of Sullivan, Delafield, McDonald & Middendorf and Hetland & Hansen, Special Counsel, for matters pertaining to the U.S. Grant Hotel; authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$150,000 from Fund 100, Department 605, Unallocated Reserve to Fund 100, Department 901, Allocated Reserve for these purposes; authorizing the expenditure of an amount not to exceed \$150,000 from Fund 100, Department 901, Allocated Reserve in connection therewith.

Aud. Cert. 8900302.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A285-292.)

MOTION BY ROBERTS TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S500: (O-89-75) CONTINUED TO OCTOBER 24, 1988

Introduction and adoption of an Emergency Ordinance amending Section 1 of Ordinance No. O-17128 (New Series) to exempt certain IDO-exempt areas from the restriction on replacement of single-family residences.  
(City-wide.)

NOTE: Six votes required.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A180-209.)

MOTION BY HENDERSON TO CONTINUE TO OCTOBER 24, 1988, FOR FULL COUNCIL. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S501:

Three actions relative to the final subdivision map of Carmel Valley Neighborhood 1 Unit No. 16, a 4-lot subdivision located southwesterly of Del Mar Heights Road and Carmel Canyon Road:  
(North City West Community Area. District-1.)

Subitem-A: (R-89-714) ADOPTED AS RESOLUTION R-272102

Authorizing the execution of a Subdivision Improvement Agreement with Village Properties, for the installation and

completion of public improvements.

Subitem-B: (R-89-713) ADOPTED AS RESOLUTION R-272103  
Approving the final map.

Subitem-C: (R-89-715) ADOPTED AS RESOLUTION R-272104  
Approving the acceptance by the City Manager of a grant  
deed of Baldwin Building Company, granting to the City Lots  
3 and 4 of Carmel Valley Neighborhood 1, Unit 16.

FILE LOCATION: SUBITEMS A&B: SUBD - CARMEL VALLEY  
NEIGHBORHOOD 1 UNIT NO. 16; SUBITEM C: DEED  
F-4657 CONT FY89-1; DEED FY89-1

COUNCIL ACTION: (Tape location: C029-032.)

MOTION BY WOLFSHEIMER TO INTRODUCE, DISPENSE WITH THE READING  
AND ADOPT ITEM 337 AND ADOPT ITEM S501. Second by Roberts.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
McColl-not present, Pratt-yea, Struiksma-yea, Henderson-yea,  
McCarty-not present, Filner-yea, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

By common consent, the meeting was adjourned by Mayor  
O'Connor at 3:10 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E286).